

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WIRTGEN AMERICA, INC.

*Plaintiff/Counterclaim-  
Defendant,  
v.*

CATERPILLAR INC.

*Defendant/Counterclaim-  
Plaintiff.*

Case No. 17-770-JDW

**PLAINTIFF'S MOTIONS FOR ENHANCED DAMAGES, ATTORNEYS' FEES,  
AN INJUNCTION OR ONGOING ROYALTY, AND OTHER RELIEF**

Plaintiff Wirtgen America, Inc. respectfully moves for the following post-trial relief:

1. Enhanced, treble damages under 35 U.S.C. § 284;
2. Attorneys' fees and costs under 35 U.S.C. § 285;
3. A permanent injunction prohibiting Caterpillar from making, using, offering to sell, selling, or importing its infringing cold planer and rotary mixer machines, or alternatively, ongoing royalties on a per-unit basis of 2–3 times the royalty awarded by the jury;
4. Supplemental damages for infringing sales made through the date on which the Court enters judgment, which are not accounted for in the Jury's damages award, in an amount to be determined based on an accounting of such sales;
5. Prejudgment interest at the prime rate, compounded quarterly, on the jury award and any supplemental damages awarded by the Court; and
6. Post-judgment interest pursuant to 28 U.S.C. § 1961.

The grounds for this motion are set forth in the accompanying Opening Brief, declaration, exhibits, and other submissions, filed concurrently with these motions.

WHEREFORE, Wirtgen American, Inc. respectfully requests that this Court grant these motions and enter an order substantially in the form attached hereto; and for such other relief as the Court deems just and proper.

Dated: April 26, 2024

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